

Chief Magistrate Judge Brian A. Tsuchida

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff  
  
v.  
  
CORY FREEMAN,  
  
Defendant.

CASE NO. MJ19-461  
  
COMPLAINT for VIOLATION  
  
18 U.S.C. § 39A(a)

BEFORE Brian A. Tsuchida, Chief United States Magistrate Judge, U.S.  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT ONE**

**(Aiming a Laser Pointer at an Aircraft)**

On or about September 10, 2019, near Ferndale, within the Western District of  
Washington, CORY FREEMAN knowingly aimed the beam of a laser pointer at an  
aircraft and at the flight path of an aircraft in the special aircraft jurisdiction of the United  
States.

All in violation of Title 18, United States Code, Section 39A(a).

1 And the complainant states this Complaint is based on the following information:

2 I, TOBY LEDGERWOOD, being first duly sworn on oath, depose and say:

3 **AGENT BACKGROUND**

4 1. I am a Special Agent with the U.S. Department of Homeland Security,  
5 Homeland Security Investigations (HSI), assigned to the Assistant Special Agent in  
6 Charge (ASAC) Blaine, Washington, field office. I have been employed as an HSI  
7 Special Agent since 2006. Prior to this assignment, I worked as a United States Customs  
8 Inspector from 2002 to 2006. In my capacity as a Special Agent, I am responsible for  
9 conducting investigations into the numerous federal laws enforced by HSI. I am a  
10 graduate of the Federal Law Enforcement Training Center (FLETC), HSI Special Agent  
11 Training Program. My training included courses in law enforcement techniques, federal  
12 criminal statutes, conducting criminal investigations, and the execution of search  
13 warrants.

14 2. I submit this affidavit based upon information that I have learned from my  
15 investigation, including information from the Ferndale, Washington Police Department  
16 and United States Customs and Border Protection (CBP) Air and Marine Division. Since  
17 this affidavit is being submitted for the limited purpose of establishing probable cause to  
18 obtain a complaint related to the crime noted herein, I have not included each and every  
19 fact known to me concerning this investigation. I have set forth only the facts that I  
20 believe are necessary to establish probable cause in support of a complaint charging  
21 CORY FREEMAN with knowingly aiming the beam of a laser pointer at an aircraft in  
22 the special aircraft jurisdiction of the United States, or at the flight path of such an  
23 aircraft.

24 **LEGAL BACKGROUND**

25 3. The FAA is an agency of the United States within the Department of  
26 Transportation. The FAA is responsible for the regulation of civilian aviation matters in  
27 the United States and its territories. The primary concern of the FAA with regard to  
28 civilian aviation matters is safety.



1       4. According to the FAA, aiming a laser at an aircraft is a serious safety risk. Many  
2 high-powered lasers can completely incapacitate pilots who are trying to fly safely to  
3 their destinations and may be carrying hundreds of passengers.

4       5. The FAA Modernization and Reform Act of 2012 amended Title 18 of the  
5 United States Code, Section 39, by adding Section 39A, making it a federal crime to  
6 “knowingly aim[] the beam of a laser pointer at an aircraft in the special aircraft  
7 jurisdiction of the United States, or at the flight path of such an aircraft.” 18 U.S.C. §  
8 39A(a). A person who violates the statute could be punished by up to five years of  
9 imprisonment and \$250,000 in fine. *Id.*

10       6. A laser pointer is defined as “...any device designed or used to amplify  
11 electromagnetic radiation by stimulated emission that emits a beam designed to be used  
12 by the operator as a pointer or highlighter to indicate, mark, or identify a specific  
13 position, place, item, or object.” 18 U.S.C. § 39A(b).

14       7. An aircraft in the special aircraft jurisdiction of the United States includes the  
15 following aircraft in flight: (a) a civil aircraft of the United States; (b) an aircraft of the  
16 armed forces of the United States; (c) another aircraft in the United States. 49 U.S.C. §  
17 46501(2)(A)-(C). “Aircraft in flight” means “an aircraft from the moment all external  
18 doors are closed following boarding through the moment when one external door is  
19 opened to allow passengers to leave the aircraft, or until, if a forced landing, competent  
20 authorities take over responsibility for the aircraft and individuals and property on the  
21 aircraft.” 49 U.S.C. § 46501(1).

22                   **FACTS IN SUPPORT OF COMPLAINT**

23       8. On the evening of September 10, 2019, United States Customs and Border  
24 Protection (CBP) Air and Marine Operations in Bellingham, Washington reported an  
25 individual had shined a laser into the cockpit of an AS-350 helicopter belonging to CPB  
26 while it was in flight. This aircraft was in the special aircraft jurisdiction of the United  
27 States under 49 U.S.C. § 46501(2), as it was either civil aircraft of the United States or an  
28

1 aircraft in the United States. Further, the helicopter was an aircraft in flight as defined by  
2 49 U.S.C. § 46501(1), as all of its external doors remained closed following boarding.

3 9. The helicopter, known as O-4AM, was traveling over the Ferndale, WA area  
4 when the interior of the cockpit was struck by a green laser. The pilot immediately  
5 turned to avoid the laser. Initially, the flight crew was not able to determine the direction  
6 from which the laser was being fired. However, after the laser continued to strike the  
7 aircraft, the crew was able to determine the laser was being fired from the south. The  
8 crew circled O-4AM over Grandview and Portal Way roads and were able to identify the  
9 location on the ground from which the laser was being fired. The laser struck the aircraft  
10 5 or 6 times, for about 2 to 3 seconds each time over the course of about 5 minutes. The  
11 laser lit up the cockpit, shutting down the night vision goggles the crew were using,  
12 temporarily blinding the flight crew and making continued flight unsafe.

13 10. The flight crew observed an individual on the ground in the same location where  
14 the laser emissions came from. The flight crew described the individual as an adult male  
15 who was near a camper-type vehicle on the side of a residence. The flight crew saw the  
16 subject walk into a residence using an entrance on the back side of the house.

17 11. The flight crew of O-4AM contacted the local police dispatcher to advise about  
18 the laser incident. Ferndale, Washington Police Officers were dispatched and responded.  
19 The flight crew of O-4AM remained near the location of the residence and were able to  
20 confirm the officers were at the correct location where the individual was seen with the  
21 laser.

22 12. When the officers on the ground arrived at the residence, they contacted a male  
23 who identified himself as CORY FREEMAN. FREEMAN provided officers with photo  
24 identification. Officers asked FREEMAN if he owned a laser and FREEMAN stated he  
25 did own one and had recently purchased it online within the last few days. Officers asked  
26 if he had been using it recently and FREEMAN stated, "Yes, I just had it."


27 13. Officers advised FREEMAN of his *Miranda* rights; FREEMAN said he  
28 understood them and was willing to talk. Officers asked FREEMAN if he had been



1 shining the laser at a helicopter in the past ten minutes. FREEMAN stated, "Yes, I was  
2 testing it to see how far it would shine." Officers advised FREEMAN that it was a crime  
3 to shine a laser at an aircraft. FREEMAN stated he did not realize the severity of his  
4 actions.


5 14. FREEMAN provided the laser. Officers seized one black laser pointer that  
6 produced a green laser beam.

7 15. Based upon the facts set forth above, I submit that probable cause exists to  
8 believe that CORY FREEMAN, in the Western District of Washington and elsewhere,  
9 has violated Title 18, United States Code, Section 39A(a), by knowingly aiming the beam  
10 of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, or at  
11 the flight path of such an aircraft.

12  
13  
14   
15 Toby Ledgerwood, Complainant  
16 Special Agent, HSI

17 The above-named agent provided a sworn statement attesting to the truth of the  
18 contents of the foregoing affidavit on this 30th day of September, 2019, and the Court  
19 hereby finds that there is probable cause to believe the defendant committed the offense  
20 set forth in the Complaint.

21  
22 Dated this 30<sup>th</sup> day of September, 2019.

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26 Brian A. Tsuchida  
27 Chief United States Magistrate Judge  
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